### SIKKIM

### GOVERNMENT



#### GAZETTE

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#### **GOVERNMENT OF SIKKIM** DEPARTMENT OF PERSONNEL, ADM. REFORMS, TRAINING AND PUBLIC GRIEVANCES **GANGTOK**

No.53/GEN/DOP

#### **NOTIFICATION**

In exercise of the powers conferred by the proviso of article 309 of the Constitution, the Governor of Sikkim hereby makes the following rules, further to amend the Sikkim Police Force (Discipline and Appeal) Rules, 1989, namely:-

## commencement

- Short title and 1. (1) These rules may be called the Sikkim Police Force (Discipline and Appeal) Amendment Rules, 2012.
  - (2) They shall come into force on the date of their publication in the Official Gazette.

# rule 2

- Amendment of 2. In the Sikkim Police Force (Discipline and Appeal) Rules, 1989, (hereinafter referred to as the said rules) in clause (c) of rule 2, after the words rule 3,the following shall be added, namely:-
  - "For such purposes, the disciplinary authority will be Controlling Officer under whose charge the delinquent officer is presently posted irrespective of under whose charge the officer was posted when the misconduct or misbehavior was reported or enquired into."

## rule 4

- Amendment of 3. In the said rules, after sub-rule (2) of rule 4, the following sub-rule shall be inserted, namely:-"
  - (3) In case more than one disciplinary authority is indicated it shall ordinarily be the junior most officer specified as the disciplinary authority in the Schedule who may initiate the Departmental Enquiry and impose the penalties."

## rule 8

Amendment of 4. In the said rules in rule 8, for the existing "Note", the following note shall be substituted, namely:-

> "Note: if the authorities competent to impose penalties specified in rule 3 are different, an order asking disciplinary action in a common proceeding and the disciplinary authority for the purpose shall be made by the next controlling officer of both/ all the disciplinary authorities to whom they are subordinate. In such cases issue of charge-sheets to the delinquent officers as also the appointment

of Enquiring Authority and the Presenting Officer may be made by such superior authority. The findings of the Enquiring Authority will be forwarded to the respective disciplinary authorities for further necessary action."

## rule 13

Amendment of 5. In the said rules, in sub-rule (1) of rule 12, after the word "Governor" occurring in the first line, the following words shall be inserted, namely:-"or the Police Establishment Committee set up under section 52 of the Sikkim Police Act, 2008";

### rule 12

Amendment of 6. In the said rules, in rule 13, after the word "Governor" wherever it occurs, the following words shall be inserted, namely:-"or the Police Establishment Committee set up under section 52 of the Sikkim Police Act, 2008":

BY ORDER AND IN THE NAME OF THE GOVERNOR

T. Sharma ADDITIONAL SECRETARY TO THE GOVERNMENT DEPARTMENT OF PERSONNEL, ADMINISTRATION REFORMS, TRAINING AND PUBLIC GRIEVANCES